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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-first session

SUMMARY RECORD OF THE 544th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 26 May 1999, at 3 p.m.

Chairperson: Ms. MBOI

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The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS BY STATES PARTIES (agenda item 6) (continued)

Initial report of Benin (CRC/C/3/Add.52; HRI/CORE/1/Add.85; CRC/C/Q/BEN/1 (list of issues to be taken up); written replies of the Government of Benin to the questions in the list of issues to be taken up (document without a symbol, distributed at the meeting in French only))

1. At the invitation of the Chairperson, the members of the delegation of Benin took places at the Committee table.

2. The CHAIRPERSON invited the delegation of Benin to reply to the questions on the definition of the child and general principles which had not been answered at the previous meeting.

3. Mr. GNONLONFOUN (Benin) said that Beninese legislation set the age of criminal responsibility at 13, the age for admission to employment at 14, the voting age at 18 and the age of majority at 21. With regard to sex education, he said that in Benin, as in most African countries, it was a subject that had long been taboo. It had therefore been necessary to find a roundabout way to broach it. For that reason, sex education was currently being provided in the framework of raising awareness of AIDS.

4. The draft Family Code due to be adopted in August 1999 very clearly defined the procedure for giving a child a name. In particular, article 6 of the draft provided for children born in wedlock to take the father's name, with the option of adding the mother's name. Children born out of wedlock took the name of the parent whose relationship to the child was established. Finally, children of unknown parentage took the name given to them by the registrar recording the birth.

5. An experimental lesson on the content of the Convention was being piloted as part of civic education courses in 150 schools. The lesson was the first stage in a plan, drawn up in conjunction with UNICEF, to disseminate the Convention gradually.

6. Infanticide was a real problem in Benin. It sprang from beliefs that took malformed children, children whose mother died while giving birth and children born by breach delivery to be sorcerers. The Government was taking various preventive measures in that area. Health personnel had instructions, for example, not to tell family members if a birth took place in the conditions just described. The Beninese Government was also increasing the number of maternity clinics in order to reduce the number of births taking place without medical assistance. Religious and secular non-governmental organizations (NGOs) were also very active in that area. Any cases of infanticide were tried in court. Thus, the Court of Assize had heard four cases of that kind in 1998 and should consider three more in 1999.

7. The National Assembly was currently considering the draft of a decree to help the disabled. In the field, the business of integration had begun. About 30 disabled children had been admitted to 14 schools, and public authorities such as the Ministry of Foreign Affairs and the Ministry of the Civil Service regularly employed disabled people.

8. The minimum legal age for marriage was fixed at 18 for boys and 20 for girls. A demographic survey had shown that the actual age for marriage was between 24 and 26 for men, and between 17 and 20 for women. A demographic survey had further revealed the following distribution by age: 19.15 per cent of the population were aged 4 or less; 18.72 per cent were aged 5-13; and 10.22 per cent were aged 14-19.

9. Women had traditionally been denied inheritance rights, but the soon-to-be-adopted Family Code would radically change that. Article 594 of the draft stipulated that legitimate or natural children and the surviving spouse were entitled to inherit the possessions and obligations of the deceased, provided that they paid the inheritance tax. With regard to family planning, the demographic survey had revealed that 95 per cent of women knew about the forms of contraception available but only 13 per cent used them. A major effort at training and education was therefore needed in that area.

10. The CHAIRPERSON requested details on discrimination between boys and girls in the educational system, as well as on the various measures taken to ensure the views of the child were respected.

11. Mr. GNONLONFOUN (Benin) said the Beninese Government was doing everything in its power to avoid any discrimination in the educational system. In particular, it paid the full cost of schooling for girls in rural areas in order to counterbalance the general preference shown towards boys when families could not afford to send all their children to school. The Government had also published a booklet on gender equality which was being disseminated in various departments with the help of rural radio stations. Other measures contributed indirectly to the fight against discrimination. That was true in particular of measures to provide microcredits to women to allow them to become liberated or to liberate their daughters, or to have a well dug in the villages so that the girls who usually had to fetch the water no longer had to make the endless trips that stopped them from going to school.

12. Various means were employed to ensure that children's views were taken into account. For example, a free telephone number had been set up by the Brigade for the Protection of Minors. Moreover, there was also a social department in the Ministry of Justice which was involved in all divorce and adoption proceedings and which heard children as well as parents. Various NGOs took it upon themselves to provide parents with information in that area, but that would be a lengthy process. In cases of disagreement over a court decision, the child, like any adult, could turn to the Court of Appeal and later, if necessary, the Supreme Court. Any child who thought his or her rights had been violated could also take the matter to the National Commission on Human Rights.

13. The CHAIRPERSON asked the Beninese delegation to give some information on the situation in Benin with regard to female genital mutilation and arranged marriages.

14. Mr. GNONLONFOUN (Benin) said the current Penal Code contained no specific provisions on female circumcision, which for the moment could only be punished under the crime of causing bodily harm. However, as far as he knew, no complaint had been lodged for female circumcision for four or five years. Nevertheless, the new draft Penal Code would

specifically make female circumcision punishable. On the other hand, arranged marriages did still take place in Benin. The new Family Code was intended to combat that practice, but the latter would not be eliminated without long-term efforts to educate people.

15. The CHAIRPERSON invited Committee members to pose further questions on the definition of the child and general principles, and then to move on to questions on civil rights and freedoms and on the family environment and alternative care.

16. Ms. OUEDRAOGO stressed that the possibility of children lodging a complaint against adults was a new concept in Africa and asked what steps had been taken to encourage the use of the free telephone number. She welcomed the programmes to integrate disabled children in the standard educational system, but asked whether specialized units were provided in cases when the handicap ruled out integration. She believed that female circumcision was only practised in a single region in Benin, which should facilitate its elimination. In the circumstances, she was surprised that no practical steps had been taken to that end and wondered whether that meant there was a lack of political will. She recalled in that respect that western African States had undertaken to combat that practice at the ministerial conference held recently in Ouagadougou.

17. With regard to the family environment, given the growing trend for the extended family to be replaced by the nuclear family, and in the light of the concerns expressed in paragraph 111 of the report, she asked what measures had been taken to help parents to fulfil their role and to make them more aware of the rights of the child. The problem of homeless children had also been mentioned. When those children could neither return to their family nor be adopted, how did the social services take care of them and how long could they keep them in a hostel?

18. Finally, referring to paragraph 126 of the report, on adoption, she said she was surprised that there was a mention of sterile men but not of sterile women. Moreover, she stressed the need to make adoption procedures more formal and, in particular, to allow children subsequently to be withdrawn from their adoptive family if living conditions there were not acceptable.

19. Mr. FULCI said he regretted that the report referred only to domestic adoptions, as he believed that international adoptions were also practised in Benin. In that connection, he asked whether Benin intended to ratify the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. He also noted with concern that, according to many sources of information, the rise in the crime rate and the lack of response from the police had led to the practice of mob justice. Several children had allegedly been killed or seriously injured in popular uprisings and it seemed that the State had not tried to prosecute the guilty parties, even though the events had taken place in urban areas and had been reported in the press. He was also concerned that children, particularly in rural areas, were not systematically entered in the births register, and asked what measures had been taken by the State to resolve that major problem. Finally, he asked for information on the extent of the phenomenon of placing children in families as "Vidomegons", mentioned in paragraph 216 of the report, and on steps taken to stamp out that practice.

20. Mr. RABAH, noting that 20.6 per cent of the population of Benin was of the Islamic faith, asked whether the State party had made any reservations to the Convention and, if not, how it reconciled the provisions of the Convention with those of Shariah law, which, for example, set a women's share of an inheritance at half that of a man and forbade adoption. On the question of adoption, he also asked whether the views of the child were taken into account when a decision was taken on placement, whether the new Family Code contained any provisions on adoption, and whether a distinction was made between simple adoption and full adoption in Benin. If the answer to the latter question was yes, which form was most widespread? He would also like to know what was in the bill on the placement of domestic staff abroad, mentioned in the written replies of the State party.

21. With regard to children deprived of liberty, he asked whether judges were able to hand down flexible sentences, in other words to indicate a minimum and a maximum period of imprisonment. Could a review of the placement be requested by the minor himself or herself? Was a review only carried out in cases of criminal sentences or was it also conducted, for example, in cases of placement in a rehabilitation centre?

22. Concerning the family environment, he observed that in cases of divorce, as in many other countries, custody of the child was usually granted to the mother. He asked whether the child had any say in that and, if so, from what age. He was concerned at the increase in cases of abuse and negligence towards minors which emerged from the written answers to questions 18 and 19 of the list of issues. How could the statistics be explained? Could the increase in the number of complaints be attributed to heightened awareness or was violence really on the increase?

23. Ms. KARP regretted that medical advisory services, on reproductive health or drug addiction for instance, were not more user-friendly. It seemed that they were only actually open during school time and that they blamed and lectured adolescents rather than advising them. She was also concerned at the continued ban on campaigns encouraging the use of contraceptives.

24. She welcomed the ban on corporal punishment in schools, but asked whether the ban also applied in private schools that did not come under the Ministry of Education and the juvenile justice system. How was corporal punishment prevented within the family? Finally, she asked whether any studies had been carried out to assess the impact of polygamy upon children's well-being. Her personal view was that such a way of life did not allow fathers to take proper care of their children and created an unhealthy atmosphere among the wives, from which the children must suffer. Was Benin considering a ban on that practice?

25. Ms. MOKHUANE asked whether any studies had been carried out to evaluate the results of the campaigns to help mothers seek payment of maintenance. She welcomed the many programmes set up to help children, but wondered whether they really helped to improve children's psychosocial development. She also wondered whether rural populations benefited from those programmes too. She asked whether there were programmes to help single fathers and fathers involved in polygamous relationships, and whether disabled children were cared for in suitable centres. Finally, she asked for some explanation of the upsurge observed in 1998 in the number of abandoned children and in domestic violence.

26. Mr. GNONLONFOUN (Benin), replying to the questions asked by Committee members, said that the setting-up of the free telephone line for children had been announced several times on radio and television stations in the country. Furthermore, the number of public call-boxes had increased greatly.

27. As far as programmes for disabled children were concerned, specialized schools existed for blind children (who achieved good results in the primary leaving certificate, the public examination taken at the age of 16 and the baccalaureate), and for deaf and deaf-mute children. Disabled children who did not go to those schools received work training. Thus the State fully assumed its responsibilities in that area, and a national federation of associations for disabled people had been set up. As for female circumcision, unfortunately the practice persisted, mainly in the two departments in the north of the country. Since the Government could not adopt legislation that applied only to certain regions, it was tackling that phenomenon through awareness-raising campaigns.

28. There were already many centres for homeless children or children in difficulty. Moreover, the authorities were considering setting up a new centre in the north of the country, and a number of NGOs, such as Terre des Hommes, were very active in that area. In that connection, traditional adoption had always existed in Benin, as the family took care of the child when the child's parents were not able to do so. However, traditional social structures were currently undergoing profound changes. Benin had had some unfortunate experiences with international adoptions, where children adopted in foreign countries had been ill-treated, and the Government had decided to put a stop to that practice. It had not ratified the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

29. In reply to the question on the phenomenon of "mob law", he said that the slowness of the judicial system had sometimes led citizens to want to take justice into their own hands. The State had therefore decided to try to speed things up and had, for example, organized in 1998 three sessions of the Court of Assize instead of the usual two annual sessions. People's confidence in the judicial system had since improved noticeably. Furthermore, recently adopted legislation required that registers of births, marriages and deaths should be kept throughout the territory and that mayors or heads of arrondissements should act as registrars.

30. Under the Constitution, Benin was a secular State and Shariah law was not followed there. There were dozens of traditional religions in the country but the authorities were committed to secularism, in order to prevent any religious practice from receiving preferential treatment.

31. Where possible, children sentenced to prison terms were given the benefit of the mitigating circumstances provided for by law, and minors who had been sentenced had every chance of becoming reintegrated in society once again as their cases were followed up by the social services. Moreover, a good deal of flexibility was possible in passing sentence on children, and detention conditions were periodically reviewed. Furthermore, a child whose parents were divorcing was involved in the process leading to the decision concerning him or her at the stage of the social inquiries, not at the judgement stage, in order to avoid any traumatic consequences.

32. He said the Beninese authorities were deeply committed to the implementation of the Convention but they were also making sure that the legislative measures taken were realistic and applicable so as to take due account of the reality in the country. It was worth recalling too that the structural adjustment programme imposed very severe economic and financial constraints on the country. In the field of justice, for example, it would be impossible to replace most of the judges who had retired.

33. The practice of arranging marriages for young girls in exchange for a sort of dowry offered by the groom's family - which was not so different from the practice of giving dowries in earlier times in France - was tending to disappear. Meanwhile, a programme on the reproductive health of adolescents was under way and would be evaluated at the beginning of the year 2000. Also, workshops had been organized on the complex issue of drugs and their impact on children. In Benin, corporal punishment was forbidden in schools but parents were free to punish their children as they saw fit. Nevertheless, it could be observed that they were resorting less and less to corporal punishment. Polygamy did still exist but it was tending to become the exception, the normal marital arrangement being monogamy. In any event, there was no discrimination against single mothers.

34. Addressing the question of the placement of children, he described the phenomenon of "Vidomegons". They were children placed in the home of a third party by their parents or by an intermediary in order to provide them with education and put them to work. Once considered a sign of traditional solidarity between parents and family members, the practice had become open to abuse. It should nevertheless be pointed out that host families who observed the Charter of the Vidomegon Movement undertook to help all Beninese children to reach their full potential. Still, it was true that some children involved in the system were subjected to ill-treatment or even physical and psychological violence.

35. The CHAIRPERSON invited Committee members to put questions to the delegation on the sections of the list of issues (CRC/C/Q/BEN/1) concerning basic health and welfare as well as education, leisure and cultural activities.

36. Ms. MOKHUANE asked whether the health policy followed in Benin had allowed the infant and juvenile mortality rates to be reduced. She would also like to know what steps had been taken to control the main diseases (diarrhoea, malaria, acute respiratory infections) as well as chronic malnutrition. Were any programmes planned to make people more aware of health services and family planning? She also requested information on the practice of prolonged breastfeeding, the number of mentally retarded children and the number of suicides in Benin.

37. Ms. OUEDRAOGO asked whether the Beninese Government intended, against the backdrop of restrictions arising from the devaluation of the national currency and the structural adjustment programme, to promote traditional medicine and ban the illegal sale of medicines. She also wished to have some information on the problems encountered by young people in the social services and on measures taken to encourage girls to enrol in school and to take into account the views and concerns of adolescents in the areas of health and education.

38. Mr. FULCI requested some statistics on the prevalence of HIV/AIDS among children and asked whether it was on the increase or declining.

39. Ms. EL GUINDI asked for more detailed information on steps taken to integrate disabled children into society and to raise public awareness of their rights. Also, she asked whether there were provisions in the programmes for greater participation by girls at all levels of the school system, particularly in rural areas.

40. Mr. RABAH asked for more details on children's leisure activities in Benin.

41. The CHAIRPERSON thanked the delegation of Benin for its answers to the questions asked by Committee members and said she would invite it to reply to the additional questions at the following meeting.

The meeting rose at 6 p.m.